

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
SOUTHERN DIVISION**

<b>REAL PERFORMANCE MANAGEMENT, §</b>		
<b>LLC and RPM OF MISSISSIPPI, LLC</b>	§	<b>PLAINTIFFS</b>
	§	
v.	§	<b>CAUSE NO. 1:06CV1015 LG-JMR</b>
	§	
<b>CENTRAL TEXAS MARKETING, INC.</b>	§	
<b>and JACK G. SURBER</b>	§	<b>DEFENDANTS</b>

**JUDGMENT BY DEFAULT PURSUANT TO FED. R. CIV. P. 55**

THIS CAUSE came before the Court for a hearing on the Motion for Default Judgment [42] filed by Plaintiffs, Real Performance Management, LLC and RPM of Mississippi, LLC. The Defendants did not file a response to the Motion or attend the hearing. After consideration of the evidence presented at the hearing, and for the reasons stated into the record, it is the Court's opinion that the Motion for Default Judgment is well-taken and should be granted. Plaintiffs are entitled to Judgment in the amount of \$245,795.76 at set out below.

**IT IS THEREFORE ORDERED AND ADJUDGED,** that the Plaintiffs, Real Performance Management, LLC and RPM of Mississippi, LLC, shall recover of the Defendants, Jack G. Surber and Central Texas Marketing, Inc., jointly and severally, the sum of \$199,113.80 in compensatory damages.

**IT IS FURTHER ORDERED AND ADJUDGED,** Plaintiffs, Real Performance Management, LLC and RPM of Mississippi, LLC, shall recover of the Defendants, Jack G. Surber and Central Texas Marketing, Inc., jointly and severally, the sum of \$7,917.64 in prejudgment interest.

**IT IS FURTHER ORDERED AND ADJUDGED,** that the Plaintiffs, Real

Performance Management, LLC and RPM of Mississippi, LLC, shall recover of the Defendants, Jack G. Surber and Central Texas Marketing, Inc., jointly and severally, the costs of this action, plus \$38,764.32 in contractual attorneys' fees.

**IT IS FURTHER ORDERED AND ADJUDGED** that the Plaintiffs, Real Performance Management, LLC and RPM of Mississippi, LLC, shall recover of the Defendants, Jack G. Surber and Central Texas Marketing, Inc., jointly and severally, post judgment interest on the total sum at the rate of 2.05% until paid in full.

**IT IS FURTHER ORDERED AND ADJUDGED** that execution or other appropriate process may issue for collection of this judgment.

**SO ORDERED AND ADJUDGED** this the 19<sup>th</sup> day of September, 2008.

s/ Louis Guirola, Jr.  
LOUIS GUIROLA, JR.  
UNITED STATES DISTRICT JUDGE